

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Alonzo J. Johnson,)	
)	
Petitioner,)	Case No. 1:07-CV-113
)	
vs.)	
)	
Warden, Southern Ohio)	
Correctional Facility,)	
)	
Respondent.)	

O R D E R

On December 5, 2007, Magistrate Judge Hogan issued a Report and Recommendation (Doc. No. 26) recommending that Petitioner Alonzo Johnson's petition for a writ of habeas corpus be dismissed with prejudice for failure to comply with the one year statute of limitations set forth in 28 U.S.C. § 2244(d)(1)(A). Petitioner filed objections to Magistrate Judge Hogan's Report and Recommendation on December 14, 2007 (Doc. No. 28).

Pursuant to Fed. R. Civ. P. 72(b), the Court has reviewed de novo Petitioner's claims for relief, Magistrate Judge Hogan's Report and Recommendation, and Petitioner's objections. Upon such de novo review, the Court concludes that Judge Hogan has thoroughly and accurately analyzed the procedural history of Petitioner's case as well as the applicable case law. Repeating

Judge Hogan's analysis of Petitioner's habeas claim would waste judicial resources. The Court is in complete agreement with Magistrate Judge Hogan's reasoning that Petitioner's habeas petition is barred by the statute of limitations set forth in § 2244(d)(1)(A). Petitioner's objections to the Report and Recommendation are indecipherable and, even favorably construed, do not meet the substance of Judge Hogan's conclusion that the statute of limitations on Petitioner's habeas claims expired in December 2005. Accordingly, Petitioner's objections to the Report and Recommendation are **OVERRULED**.

The Court **ADOPTS** Magistrate Judge Hogan's Report and Recommendation. Respondent's motion to dismiss (Doc. No. 25) is well-taken and is **GRANTED**. This case is **DISMISSED WITH PREJUDICE**. A certificate of appealability will not issue under the standard set forth in Slack v. McDaniel, 529 U.S. 473, 484-85 (2000), because "jurists of reason" would not find it debatable whether this Court is correct in its procedural rulings. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting this Report and Recommendation would not be taken in "good faith," and, therefore, Petitioner is denied leave to appeal in forma pauperis. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

Date January 14, 2008

s/Sandra S. Beckwith

Sandra S. Beckwith, Chief Judge
United States District Court